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Attorneys for Defendant
WAYNE HAUZER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:22-CR-93-DAD
)
Plaintiff,) STIPULATION AND ORDER FOR PRE-PLEA
) PRESENTENCE REPORT (CRIMINAL
vs.) HISTORY ONLY)
)
WAYNE HAUZER,) Date: March 14, 2023
) Time: 9:30 A.M.
Defendant.) Judge: Hon. Dale A. Drozd
)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Shelley Weger, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Hauzer, that a pre-plea presentence report containing probation's calculation of Mr. Hauzer's criminal history would be appropriate in this matter, and respectfully request the Court to order probation to produce such a report. The parties specifically stipulate as follows:

1. This matter is currently set for a status conference on March 14, 2023. ECF No. 32.
2. To assist the defendant in deciding how to proceed in this matter, the parties request that probation be authorized to calculate the defendant's criminal history score in advance of any resolution to this matter. A criminal history score calculation will provide the defendant with greater certainty of the potential

1 sentencing guideline range applicable to this case.

- 2 3. Based on the information set forth in the defendant's criminal history, the parties
3 are uncertain about how the defendant's prior convictions will score under the
4 various factors listed in U.S.S.G. § 4A1.1 and whether certain of the defendant's
5 prior sentences will be counted separately or treated as a single sentence under
6 U.S.S.G. § 4A1.2(a)(2).
- 7 4. Given Mr. Hauzer's age and the significant amount of time he is facing, a higher
8 Criminal History Category would lead to what Mr. Hauzer considers to be an
9 extremely significant difference in sentencing exposure. Advance knowledge of
10 probation's calculation of the Criminal History that applies in this case could lead
11 to a negotiated resolution that would save the parties from unnecessarily
12 burdening the Court's trial calendar.
- 13 4. The parties request that probation provide the parties with Mr. Hauzer's criminal
14 history score as soon as practical, but no later than April 1, 2023.
- 15 5. The parties have conferred with probation, which is amendable to the request and
16 the above time frame, but conveyed that their office would require an order from
17 the Court before commencing work on the report.
- 18 6. Therefore, the parties respectfully request the Court to order probation to prepare
19 a pre-plea presentence report that includes Mr. Hauzer's criminal history
20 calculation only.

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Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: February 24, 2023

/s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
Attorneys for Defendant
WAYNE HAUZER

Date: February 24, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ Shelley Weger
SHELLEY WEGER
Assistant United States Attorney
Attorneys for Plaintiff

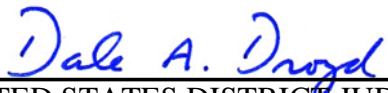
ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

It is ORDERED that Probation shall prepare a pre-plea criminal history calculation in this case. This calculation should be completed by probation as soon as practical, but by no later than April 1, 2023. Probation shall disclose a copy to the defendant's counsel and the United States upon completion.

IT IS SO ORDERED.

Dated: **February 27, 2023**


UNITED STATES DISTRICT JUDGE